

REMARKS

The present amendment is responsive to the Official Action mailed July 30, 2008.

Claims 7, 9, 10, 83-87 and 92 were rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 5,575,766 to Swartz et al ("Swartz") in view of U.S. Patent No. 5,971,968 to Tu et al ("Tu"). Claims 7, 9, 10 and 83-92 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,146,379 to Fleischman et al ("Fleischman") in view of Tu. Claims 89-91 were rejected under 35 U.S.C. §103(a) as being unpatentable over Swartz and Tu as applied to Claim 10 and further in view of U.S. Patent No. 5,571,088 to Lennox et al. ("Lennox"). Applicants traverse the rejection.

Without conceding that the above cited references teach or suggest applicants' claimed method of performing cardiac ablation, applicants have amended independent Claim 7 in order to better identify the patentable subject matter. As amended, Claim 7 includes the limitation of:

(a) providing an ablation device including a balloon in the left atrium of the heart of a mammalian subject and inflating the balloon such that the device is in an operative configuration having opposite proximal and distal directions, with a distal side of the device wall of the balloon facing substantially in the distal direction toward a region of the wall of the atrium to be ablated, such region being disposed outside of the ostium of a pulmonary vein

Applicants respectfully submit that nowhere does any of the cited prior art teach, suggest, or even disclose providing an ablation device having a balloon that when inflated in an operative configuration has a distal wall facing substantially in the distal direction toward a region of the wall of the atrium to be ablated.

Regarding Swartz and Tu, Swartz's ablation device provides point ablation. That is, Swartz's ablation device delivers energy at the ablation catheter tip (Swartz, FIGS. 3A-3K). Tu merely discloses a catheter having localized contrast media irrigation means to enhance x-ray imaging. (Tu, Abstract). Combining Swartz and Tu would, for example, yield a method of treatment using a point ablation catheter having a localized contrast irrigation means. Applicants' claimed method includes a balloon that when inflated has a distal wall. Nowhere does either Tu or Swartz teach, suggest, or disclose this limitation. Thus, combining Swartz and Tu does not yield applicants' claimed method.

Regarding Fleishman and Tu, Fleishman's ablation device provides either a basket (Fleishman, FIGS. 5-10) or a toroidal-shaped balloon for radially-directed ablation (Fleishman, FIG. 14). Again, Tu merely discloses a catheter having localized contrast media irrigation means to enhance x-ray imaging. Combining Fleishman's basket with Tu would, for example, yield a basket shaped ablation catheter where, because the basket is hollow, contrast media is delivered into the basket and surrounding region. Applicants' claimed method injects contrast medium into the subject on the distal side of the ablation device, not into the ablation device and surrounding region. Moreover, such a combination would lack the step of injecting contrast medium distal to a balloon. Thus, combining Fleishman's basket and Tu does not yield applicants' claimed method.

Further, with regard to the combining of Fleishman's toroidal balloon ablation device with Tu, Tu discloses delivering fluid in proximity to an ablation electrode (Tu, Col. 6, line 34 to Col. 7, line 39). Fleishman discloses that the conductive regions or ablating electrode are on the

circumferential surface of the toroidal shaped balloon (Fleishman, Fig. 14 and Col. 21, lines 17-27). Combining Fleishman's toroidal balloon with Tu would, for example, yield a method where fluid is delivered on the circumferential surface of the toroidal balloon (i.e., fluid is delivered in the region touching the cardiac tissue). Applicants' claimed method injects a contrast medium into the subject on the distal side of the ablation device. Thus, combining Fleishman's toroidal balloon and Tu does not yield applicants' claimed method.

For these reasons, it is respectfully submitted that amended Claim 7 is allowable, as are Claims 9-10, 83-87, and 89-92 depending from Claim 7, notwithstanding that such claims are believed to also include additional patentable subject matter. Reconsideration of the Examiner's rejections is therefore requested.

As it is believed that all of the rejections and objections set forth in the Official Action have been fully met, favorable reconsideration is respectfully requested.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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